

REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 1-7 drawn to a product.

Group II, Claims 8-18 drawn to a process of forming a product and

Group III, Claims 19-22 drawn to a process of bonding.

Applicants elect with traverse Group I, Claims 1-7 drawn to a product.

The Examiner is requiring restriction under 35 U.S.C. § 372. Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 and under PCT Rule 13.2 they lack the same corresponding special technical features. The Examiner reasons that the process of Group II does not require the product of Group I to be formed and the processes of Groups II and III do not produce the same product. In addition the process of Group II and Group III do not form the product of Group I.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that while the Examiner has pointed to differences between the three groups of invention he has not satisfied the "special technical features" requirement of PCT Rule 13.2 which requires that the claim features taken as a whole make a contribution over the prior art. Since the Examiner has cited no prior art showing Applicants' claimed invention, the restriction is considered improper and should be withdrawn.

Applicants further point out that under the PCT Rules and particularly the administrative instructions in Annex B allows for claims in one application of a product and a process specifically adapted for the manufacturing of said product. See Annex B (e)(i).

Applicants further request that should the elected product claims of 1-7 be found allowable that the Examiner rejoined at least the process claims of Group II under the rejoinder procedures of M.P.E.P. § 821.04.

Moreover, the M.P.E.P. in Section 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits an early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)


Daniel R. Evans, Ph.D.

Registration No. 55,868

John Niebling

Registration No. 57,981